Previous references.

(12)

1908-9

(III. C. Police)

File No. Police 112 - 08

Serial Nos. 1—2

Later references.

Police 192-10.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B. for March 1909

SUBJECT.

Procedure to be adopted in cases where Consignments of arms or ammunition are received after the period covered by Export licences

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1. From the Dt Magte, Kadur Dt. No 237 of 11-1-09. Solicits instructions as to whether the Consignee may, at the discretion of the Dt Magte, be permitted to take delivery of Consignments of arms or Ammunition received after the period covered by Export licences

2. To the same. No J 1623 of 11-3-09. Informs him that the Mysore Officers have only to see whether arms or Ammunition, when they are in Mysore Territory, are covered by a licence under the Mysore Law or are exempted by the Mysore Govt.

G. R. S. 58

J 1624-31/09 11-3-09 to Dt Magte & others 86 Y 25. of Police

G.R.S.11] 1909.

GENERAL AND REVENUE SECRETARIAT

(Police.)

NOTES.

File No. 112 of 08

FILE HEADING.

Procedure to be adopted in cases when consignments of arms or ammunition are received after the period covered by export licenses.

From

The District Magistrate of the Kaira Dt.

No. 237 Dated 11.1.09 Received 15.1.09

Diary No. 11783 | Enclos. · · | Spare Copies · · | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Solicits instructions as to whether the consignee may, at the discretion of the Dt. Magte, be permitted to take delivery of consignments of arms or ammunition received after the period covered by export licenses.

NOTES AND ORDERS.

1 An export license granted under Rule 7 of the Rules made under Section 17 of the Indian Arms Act is valid only for the period and the route named therein (Vide rules printed on the

NOTES—First sheet

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reverse of Export license form, page 30 of the Indian Arms Rules.) Subd. for orders with a copy each of the Arms Act, the Arms Regulation, the Indian Arms Rules and the Ajmere Arms Rules.

B.E. 25.1.09 SW

25/1/09

Let me know the authority under which the British Indian license is made to cover

2 In this reference the District Magistrate of Kadur raises the question viz whether he is competent to give an Extension of time when Consignments of arms and ammunition imported into the State are not delivered by the Railway authorities within the time prescribed in the license

3 Evidently the District Magistrate refers to an Export license under the Indian Arms Act (Sec 17). This Export license is necessary because the route within British territory is covered by it and also because, under the terms of the Instrument of transfer arms and ammunition can not be

R

× Cancelled.

NOTE—Contn. sheet.

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imported into Mysore without the permission of the Governor-General in Council. But it has to be observed that this license is intended to ~~be~~ legalise and to facilitate only ~~the~~ Exportation from British territory and importation into Mysore but once the Arms reach the Mysore frontier the license in question ceases to have any efficacy. From that time it is only the a license granted under the law as in Mysore that has to be looked into, because the Mysore Arms act of 1890 repealed the Indian Arms act of 1878.

11 (Sec 3).

4 The period of time for which the license issued in British Territory is said to be valid and to which the district Magistrate has made reference in the letter under disposal, has no reference to the place of destination within Mysore Territory. It only lays down that under certain Conditions and within a fixed time it should be handed over to the Railway authorities at the place of despatch (Rule 7 under the Indian Arms Act) and if the arms are to be carried by rail

NOTE—Contn. sheet.

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Or to the magistrate of the frontier District in B. territory if they are to be carried by road or river. In no Case is the license made deliverable to the Office of the Feudatory State into which the Arms are imported. (Please See instructions on the back of the form of the license — form V).

5. It follows therefore that the period of time fixed in the license has no validity after the arms reach Mysore Territory. From that time the Mysore Officers have to See whether the Consignee has obtained license or Exemption under the Mysore Law to possess the arms in ques

6. There is however one Element of Complication which has to be considered. Over a large portion of the Railway in Mysore full Criminal jurisdiction has been ceded to the British Government To cover the route over such tracts I believe it is the District Magistrate of C. & M. Station Bangalore that has to issue the license.

7. In any Case therefore, the District Magistrate of a District in Mysore Can not validly Extend the time mentioned in a license issued

Note—Contn sheet.

Serial No.

by a foreign authority under the Indian Arms Act. He has only to see whether the arms which when they are in Mysore Territory are covered by a license under the Mysore Laws, or are Exempted by by the Mysore Government. If a Consignee takes delivery of arms beyond the period covered by the license I do not see how the District Magistrate in Mysore Could intervene if such delivery taken is made in a place outside his jurisdiction, as for instance within the limits of the Kadur Railway Station.

If on the other hand delivery is made in a place over which he has jurisdiction, as for instance in Tarikere Railway Station, the fact that the period mentioned in the license has been Exceeded is of no Consequence because as already remarked that period is intended only for the British route up to the Mysore Frontier. In Such an instance the Dt Magistrate has to Satisfy himself that the Consignee is a licensed or Exempted person under the Mysore

GPB—50 000—17-3407

G. & S. 12]
General and Revenue Secretariat.

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Case.

9 I owned therefore propose that the reference of the District Magistrate may be dispensed of on the lines of the above remarks.

10 (I understand that the question whether a license issued by a District Magistrate in Mysore is good over the Railway, jurisdiction over which has been ceded to the British, is under correspondence with the Residency in another file but I cheed not get at the file by that name so I am not able to say).

9th Feb '09. SH

Secretary) 11 I agree - Please put up a draft reply.

12.2.09. SH 12/2/09

12) Submitted with a draft

CRD 10.2.09

13) Slightly revised. Please put up a clean draft

SH

14) Draft submitted. 25.2.09

CRD 15) to Secretary

24.2.09

16) 25.2.09 SH 2nd CM

17) Issue

Approved

SH 2nd 24/2/09

NOTE—Contn sheet.

(1913-50 000—17-3-17)

G. R. S. 12]
General and Revenue Secretariat.

M File No. 12 of 1908-09

7

Serial No.	
2	To The Dt. Magte. Kadur no. T 2623 dt 11·3·09 Informs him that the Mysore officers have only to see whether arms or ammunition, when they are in Mysore Territory, are covered by a license under the Mysore Law or are exempted by the Mysore Govt. To Collr. Dt. Magts. & the I. G. of Police. no. T 2624-31 dt 11·3·09 Forwards copy of the above.

NOTE—Contn. sheet.

GPB—50.000—13-5-08

91783

1908-09 file no. 112 Sl no 1

From The District Magistrate.
Kadur District.

To The Secy to the Govt of Mysore. Genal and Revenue Departments.

Dated 11th January 1908(?)

Despatched 12th January 1908(?)

Received 1909

General No. 237
No.

Enclosure No.

Soliciting instruction in the matter of granting permission to take delivery of the consignment containing arms. ammunition or military Stores after the period covered by the licence.

2

From

K. R. Srinivasa Iyengar, Esq., M.A.

Deputy Commissioner
and District-Magistrate,
Kadur District.

To

K. S. Chandrasekhara Aiyer, Esq., B.A., B.L.,

Secretary to the Government of Mysore,

Gen. and Rev. Departments.

Dated, Chikmagalur, 12th January 1909.

Sir,

I have the honor to state that licences to export arms, ammunition or military stores under Rule 7 of the 10 Rules made under Section 17 of the Indian Arms Act, 1878, are granted 7 R by the First Assistant Resident, fixing a certain period for which the licence is valid. The license holder sends the ammunition, etc, for sale to a person holding a license to sell

the same in this Province.

2. It has come to my notice on more than one occasion that the consignments forwarded by rail do not reach the destination within the period for which the license is valid. I beg therefore to be informed whether in such cases it is necessary that the Consignee should obtain the orders of the First Assistant to the Resident for an extension of the period for which the license is valid before he can be permitted to take delivery of the consignment, or whether the consignee may, at the discretion of the District Magistrate, be permitted to take delivery of the articles after the period covered by his license.

I have the honor to be,

Sir,

Your most obt. Servant

Ed Surveyor Cox

Deputy Commissioner

and District Magistrate,

Kadra District

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G.R.S. 26]

ar Pol File No. 12-3-09

Serial No. 2

Diary No. of letter replied to 9783

No. J 2623

& 11-3-09

General and Revenue Secretariat

( )

, the 190 .

To

The District Magistrate,
Kadur.

Date of issue 11-3-09

Signed by Asst. S. Hiriyanna

Sir

I am directed to acknowledge the receipt of your letter no: 237. dated the 12th January 1909 soliciting instructions as to whether the period mentioned in an Export license (granted by the D.A. Resident) can be extended by district magistrate in Mysore, when the arms or ammunition (covered by the license) reach their place of destination after the expiry of the said period.

In reply I am to state that a Mysore officer cannot

over.

SUBJECT.

Copied J.R. 10/3.

5

cannot validly extend the time mentioned in an Export license issued by the British Indian authorities under the Indian Arms Act XI of 1878. The Mysore officers have only to see whether arms or ammunition, when they are in Mysore territory, are covered by a license under the Mysore Law or are exempted by the Mysore Govt. If a consignee takes delivery of arms or ammunition after the expiry of the period covered by the license, a Mysore officer cannot interfere if such a delivery is made in a place outside the ~~State~~ the State jurisdiction, such as certain Railway limits over which criminal jurisdiction has been ceded to the British Govt. If on the other hand such delivery is made in a place over which the Durbar has jurisdiction, the fact that the period mentioned in the Export License has

List of enclosures.

Copied by

Examined by

MGCPB—30,000—16-2-05

✓

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G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

has been exceeded is of ~~no~~ immaterial consequence as that period is intended to cover only the transport of arms in ~~the~~ British India ~~border~~ up to the Mysore frontier. In such a case ~~the~~ a District Magistrate in Mysore has only to satisfy ~~himself~~ themselves that the consignee is, at the time of taking delivery, a licensed person or is one exempted under the Mysore Law.

I have &c

For Secretary.

CRO

24.2.09

J 2624-31

& 11-3-09.

Copy to DS Mysore & other DSs & SPs of Police for information

3/3/09

Exd 10/3